

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**INDICTMENT FOR VIOLATIONS OF THE FEDERAL GUN CONTROL ACT**

|                              |   |   |
|------------------------------|---|---|
| UNITED STATES OF AMERICA     | * | CRIMINAL DOCKET NO.                                       |
| v.                           | * | SECTION:  |
| TONY SIMMONS<br>a/k/a Yay-Yo | * | VIOLATION: 18 U.S.C. § 922(g)(1)<br>18 U.S.C. § 924(a)(2) |
|                              | * | *   |
|                              | * | *   |

**The Grand Jury charges that:**

**COUNT 1**

On or about November 2, 2007, in the Eastern District of Louisiana, the defendant, **TONY SIMMONS, a/k/a “Yay-Yo,”** having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a felony conviction on January 28, 2005, Orleans Parish Criminal District Court, Case No. 454-083 “A,” for possession with intent to distribute crack cocaine, in violation of La-R.S. 40:967(B)(1); did knowingly possess in and affecting commerce, a firearm, to wit: a Beretta Model 92FS, 9mm caliber pistol bearing serial number BER450379Z; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

### NOTICE OF GUN FORFEITURE

1. The allegations of Count 1 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924 (d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offense alleged in Count 1, defendant, **TONY SIMMONS**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28 United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL:

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FOREPERSON

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JIM LETTEN

United States Attorney

Louisiana Bar. Roll No. 8517

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JAN MASELLI MANN

First Assistant United States Attorney

Chief, Criminal Division

Louisiana Bar Roll No. 9020

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ELIZABETH PRIVITERA

Assistant United States Attorney

Louisiana Bar Roll No. 27042

New Orleans, Louisiana

December 17, 2009